



The Comptroller General
of the United States

Washington, D.C. 20548

Ruffert -02

Decision

Matter of: Dragon Services, Inc.

File: B-228912

Date: October 7, 1987

DIGEST

Large business is not "interested party" within meaning of Bid Protest Regulations for purposes of protesting alleged improprieties in solicitation set aside for small business concerns, since it is not eligible to receive award.

DECISION

Dragon Services, Inc., a large business, protests the award of a contract for emergency ambulance services for range support at Fort Dix, New Jersey under invitation for bids (IFB) No. DABT35-87-B-0054, issued by the Department of the Army as a total small business set-aside. The protester contends that certain IFB requirements will impede fair competition. We dismiss the protest.

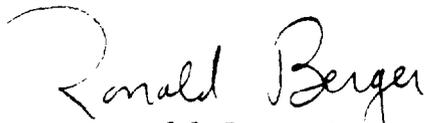
We find that Dragon is not an "interested party" under our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1987). To be considered an interested party having standing to protest a federal procurement, a party must be an actual or prospective bidder whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a); AAR Brooks & Perkins, B-220026, Sept. 30, 1985, 85-2 CPD ¶ 358. A protester is not an interested party if it would not be in line for award if its protest were upheld. Tri-States Service Co., B-211862, Sept. 26, 1983, 83-2 CPD ¶ 374. Since a large business is not eligible for award under an IFB set aside for small business concerns, Dragon is not an interested party.

Dragon maintains it is an interested party because if no small business bids were received the set-aside could be waived, and its bid could be accepted for award. Dragon's understanding in this regard is simply incorrect. Where no small business bids are received in response to a set-aside IFB, the proper procedure is for the agency to withdraw the set-aside and resolicit so that all eligible bidders may

040183

have an opportunity to compete. Otis Elevator Co.,
B-195104, Sept. 20, 1979, 79-2 CPD ¶ 206.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel